

BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD
CENTRAL PUGET SOUND REGION
STATE OF WASHINGTON

NORTH CLOVER CREEK/COLLINS
COMMUNITY COUNCIL, et al.,

Petitioners,

v.

PIERCE COUNTY,

Respondent,

and

CITY of SUMNER, JOHN MERRIMAN &
WM. MERRIMAN, and MARK BOWMER &
BELINDA BOWMER,

Intervenors.

CASE NO. 10-3-0003c

ORDER DENYING RECONSIDERATION

THIS matter comes before the Board on the motion of Intervenors John Merriman and Mark and Belinda Bowmer (collectively, Merriman) for reconsideration of the Final Decision and Order issued August 2, 1010.¹ The Board received no answers to the motion.²

WAC 242-02-832(2) provides:

A motion for reconsideration shall be based on at least one of the following grounds:

- (a) Errors of procedure or misinterpretation of fact or law, material to the party seeking reconsideration;
- (b) Irregularity in the hearing before the board by which such party was prevented from having a fair hearing; or
- (c) Clerical mistakes in the final decision and order.

¹ Motion for Reconsideration, August 12, 2010.

² See WAC 242-02-832(a).

1 First, Merriman asserts that, because none of the petitioners made arguments in specific
2 detail during the public process preceding the County's adoption of the challenged
3 Ordinance, the Intervenor's were denied the opportunity to effectively supplement the public
4 record prior to the County's action. Second, Merriman asserts that petitioners' arguments
5 are largely conclusory rather than fact-specific, and thus do not meet their burden of
6 demonstrating substantial interference with GMA goals.
7

8 Upon consideration, the Board finds no misinterpretation of fact or law or other error or
9 irregularity requiring reconsideration. The motion is **denied**.
10

11 ORDER

12 The Board ORDERS:
13

- 14 • Intervenor's Motion for Reconsideration of the August 2, 2010 Final Decision and
15 Order in this case is **denied**.³
16

17 DATED this 25th day of August 2010
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19

20 _____
Margaret A. Pageler, Board Member
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23 _____
David O. Earling, Board Member
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25

26 _____
27 ³ Pursuant to RCW 36.70A.300 this is a final order of the Board.

28 Judicial Review. Any party aggrieved by a final decision of the Board may appeal the decision to superior court as
29 provided by RCW 36.70A.300(5). Proceedings for judicial review may be instituted by filing a petition in superior
30 court according to the procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement.
31 The petition for judicial review of this Order shall be filed with the appropriate court and served on the Board, the
32 Office of the Attorney General, and all parties within thirty days after service of the final order, as provided in RCW
34.05.542. Service on the Board may be accomplished in person or by mail, but service on the Board means
actual receipt of the document at the Board office within thirty days after service of the final order. A petition for
judicial review may not be served on the Board by fax or by electronic mail.

Service. This Order was served on you the day it was deposited in the United States mail. RCW 34.05.010(19)

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Growth Management Hearings Board

319 7th Ave. SE, Suite 103

P.O. Box 40953

Olympia, Washington 98504-0953

Phone: 360-586-0260

Fax: 360-664-8975